

Antidegradation Regulation

Public Notice Questions

June 8, 2017

Question: Is an antidegradation analysis and finding required for a commercial forest operation that is regulated under Alaska Forest Resources and Practices Act (FRPA, AS 41.17)?

Answer: Yes, the proposed antidegradation regulations, analysis and findings may apply to commercial forest operations in the following manner:

1. As specified in 18 AAC 70.016(a)(1), the regulations would apply if the commercial forest operation has a point source discharge (e.g., an in-water log storage area) to a water of the US within the state that requires either; (A) an Alaska Pollutant Discharge Elimination System (APDES) Program permit under 18 AAC 83 (and specifically 18 AAC 83.635), or (B) a 401 water quality certification under a 404 permit.
OR
2. As specified in 18 AAC 70.016(c)(7)(C), if a proposed point source discharge is to a receiving waterbody that also contains state regulated nonpoint sources (in this case a commercial forest operation), the department (Division of Water) would be required to identify the state regulated nonpoint source(s), consider whether there any noncompliance issues with required best management practices and consult with other state agencies as necessary. This would be a required department finding prior to authorization of the proposed point source discharge.